



Department of Pesticide Regulation



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Mariposa County Pesticide Regulatory Program 2007/2008 Performance Evaluation Report

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Performance Evaluation of the Mariposa County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides an evaluation of Mariposa County's Agricultural Commissioner's (CAC's) Pesticide Use Enforcement (PUE) program for fiscal year 2007/08. The assessment evaluates the performance goals identified in the CAC's enforcement work plan as well as the program's adherence to the Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Program Standards Compendium.

I. Summary Report of Core Program Elements

Throughout the year, the following core areas of Mariposa County's pesticide enforcement program were evaluated: restricted materials permitting, compliance monitoring, and enforcement response. The review of county records, interviews of relevant staff, and an evaluation of pesticide use for 2007/08 support the conclusions in this evaluation.

A) Restricted Materials Permitting

The restricted materials permitting program meets DPR standards and work plan goals.

B) Compliance Monitoring

The compliance monitoring program meets DPR standards and work plan goals.

C) Enforcement Response

The enforcement response program meets DPR standards and work plan goals.

Summary Statement:

Mariposa County experienced multiple large wildfires during the spring and summer of 2008, damaging approximately 17,000 acres of agricultural land. The fires and ongoing drought conditions lead the county to file disaster declarations. Both environmental occurrences contributed to NOI and pesticide application reductions.

Mariposa County operated without a county biologist during 2007/08. The county is continuing to pursue a qualified applicant to fill the position. The Mariposa County Commissioner currently conducts all county pesticide use enforcement activities that require a PUE license. The county employs an Agricultural & Standard Program Technician part time who lends technical support in areas not requiring a PUE license. The environmental and personnel issues contributed to a reduction of pesticide use inspections.

Mariposa County Agricultural Commissioner's pesticide use program is currently effective.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting

Permit Issuance

Mariposa County uses the Restricted Materials Permit Program (RMPP) to issue permits. Staff interviews each restricted materials permit applicant to determine if the applicant is the operator of the property and has met the requirements to hold a restricted materials permit. If the applicant

is not the operator of the property, a letter of authorization is required to be in the applicant's possession before the issuance of the permit. If the applicant possesses a private applicator certificate or a qualified applicator license, the numbers are verified and listed on the restricted materials permit.

Mariposa County uses maps to help evaluate the surrounding environment and identify sensitive sites, such as schools, residential areas, waterways, and parks. Restricted materials permits are amended in person. When the permit is amended, it is entered into the RMPP program; a new permit is printed, signed and attached to the original permit.

The CAC staff adequately evaluated permits and determined if practical mitigation measures could be implemented or if the use of feasible alternatives was required. The biologist reviews the permit conditions that apply to the pesticides on the permit and conditions the permit accordingly.

Mariposa County issues restricted materials permits for a one-year period. During 2007/08, the CAC issued 18 restricted materials permits and 38 operator IDs.

The DPR evaluation determined that permits are:

- Issued only to qualified applicants
- Signed by the operator of the property or authorized persons
- Issued for a one-year time period
- Permit amendments follow approved procedures

Site Evaluation

Notices of intent (NOIs) are received by fax, mail, walk-ins and drop box in the main office. All NOIs are reviewed by licensed pesticide enforcement staff who check NOIs against the restricted materials permit. Licensed staff has the authority to accept or deny notices of intent. The operator of the property and pest control business are contacted when a notice of intent is denied. The program reviews all NOIs in a timely manner and adequately monitors agricultural and non-agricultural permits utilizing pre-application site evaluations and use monitoring inspections.

Mariposa County received eight NOIs in 2007/08. Four were denied because they lacked application information. The NOIs:

- Contained the necessary information
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses
- Identified mitigation measures and included conditions that addressed known hazards

B) Compliance Monitoring

Inspections

Mariposa County's pesticide use enforcement staff possesses licenses in pesticide regulation and investigation, and environmental monitoring.

When conducting pesticide use inspections, staff will issue a violation notice when a criteria item is marked "No" on the inspection form. When worker safety non-compliances are found during

an inspection, the biologist will conduct a headquarters/employee safety inspection and any follow-up inspections required. The biologist will review the compliance history for the firm/person inspected. The Agricultural Commissioner is responsible for preparing the case file and notice of proposed action.

DPR's evaluation found that the five inspections performed by the CAC:

- Adequately addressed label, law and regulatory requirements
- Included interviews of employers and employees
- Will adequately document violations when non-compliances are noted
- Will conduct appropriate follow-up by following the department's policies and procedures

Investigations

Mariposa County did not have any reported pesticide illnesses in 2007/08.

In past years, incidents or complaints associated to pesticides were investigated, reports were written, and each case was completed in a timely manner. The CAC referred and/or notified DPR and other agencies as required. Investigations were thorough, complete and submitted on approved forms, in the approved format. The investigations documented violations and evidence was collected according to DPR standards. The investigations provided the information necessary to successfully prosecute violations. A complaint log is maintained and available to the liaison for review.

C) Enforcement Response

Inspections conducted by Mariposa County in 2007/08 did not contain any non-compliances. Staff will issue violation notices when non-compliances are found during inspections and investigations. The deputy agricultural commissioner reviews the compliance history of each respondent, and utilizes the pesticide enforcement response regulations to determine if enforcement action is warranted. The inspector conducts a follow-up inspection, which includes a headquarter employer/employee inspection when worker safety non-compliances are found. Enforcement actions are taken when violations are found on incidents involving drift, pesticide related illnesses, or when required by pesticide enforcement response regulations. When enforcement actions are not taken, a decision report is written listing the violations found, classification, and a compliance history for the respondent along with an explanation. The Agricultural Commissioner signs the decision report and forwards to DPR.

The Agricultural Commissioner issued three notices of proposed action (NOPAs) in 2007/08. One NOPA addressed noncompliances found during an inspection conducted in 2006/07. The other two addressed late Pesticide Use Reports and registration in 2007/08.

The NOPAs contained information to the authority of the CAC to levy an administrative civil penalty, the factual circumstances of the violations, information necessary to supply the respondent with due process requirements, and a brochure outlining the hearing process.

III. Recommended Corrective Actions

No corrective actions are currently needed.

IV. Non-Core and Desirable Activities

Outreach and Training

The Mariposa County Agricultural Commissioner's office provides pesticide safety training to workers, growers, pesticide applicators and pest control businesses. The CAC offers continuing education courses, which include information on restricted materials permits, pesticide use reporting, record keeping, enforcement actions, employee training, pesticide safety, how to read and understand pesticide labels, and updates on pesticide laws and regulations. The CAC sends Healthy Schools Act updates to the Superintendent of Schools and all schools in Mariposa County.